DOCUMENT RESUME

ED 345 698 IR 015 506

TITLE The Quiet Revolution III: Report to the Governor and Legislature on Local Government Records Management.
INSTITUTION New York State Education Dept., Albany.
PUB DATE Mar 90
NOTE 15p.; For related documents, see ED 342 368-370.
PUB TYPE Viewpoints (Opinion/Position Papers, Essays, etc.) (120) -- Reports - Descriptive (141)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Archives; Full State Funding; Government Publications; *Information Management; *Local Government; *Records Management; State Agencies; State Legislation

ABSTRACT

This report covers only the past year (1989) but the changes and events it describes began in August 1987 with the approval of the Local Government Records Law (Ch. 737, Laws of 1987), which took effect in August 1988. That law consolidated and updated New York's legal requirements pertaining to local government records management. It required that each local government designate a records management officer and support a coordinated records management program. The law also established the New York State Local Government Records Advisory Council to advise the Commissioner on state policies and procedures, services, and financial support needed to effect adequate record management. The Council's December 1987 report ("The Quiet Revolution...") offered several recommendations for strengthening the capacities of local governments in records management, including a recommendation leading to the 1989 Local Government Records Management Improvement Fund Act. The fund will probably generate $6 to $10 million annually, depending on the State's housing market, the extent of litigation, and other factors affecting the creation and filing of documents. This report discusses revenue collection and expenditure, regional advisory services, the grants program, local government records bureau services, and activity in local governments. Recommendations and a concluding statement complete the report. A list of members of the New York State Local Government Records Advisory Council is appended. (DB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

IR

ED345698

THE QUIET REVOLUTION III

REPORT TO THE GOVERNOR AND LEGISLATURE

ON

LOCAL GOVERNMENT RECORDS MANAGEMENT

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Albany, New York 12224

March 1, 1990

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Robert M. Trombly

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

120155Q6

BEST COPY AVAILABLE

TABLE OF CONTENTS

The Local Government Records Laws of 1987 and 1989 1

Revenue Collection and Expenditure 2

Regional Advisory Services 3

Grants Program 5

Local Government Records Bureau Services 7

Activity in Local Governments 8

Recommendations 9

Conclusion 10

Appendix:

Members of the New York State Local Government Records Advisory Council . 11

THE LOCAL GOVERNMENT RECORDS LAWS OF 1987 AND 1989

This report covers only the past year but the changes and events it describes began in August 1987 with the approval of the Local Government Records Law (Ch. 737, Laws of 1987), which took effect in August 1988. That Law consolidated and updated New York's legal requirements pertaining to local government records management. It required that each local government designate a Records Management Officer and support a coordinated records management program. It charged the Commissioner of Education to advise and assist local governments in development of such programs, to offer training and guidance in records management and archival administration, and to issue guidelines and standards in records and information management.

The Law also established the New York State Local Government Records Advisory Council (LGRAC) to advise the Commissioner on state policies and procedures, services, and financial support needed to effect adequate records management. In its December 1, 1987 report, The Quiet Revolution: Managing New York's Local Government Records in the Information Age, the Council offered several dozen recommendations for strengthening the capacities of local governments in records management. The most important recommendations, for regional State advisory offices and a grants program funded by a records filing surcharge, led to the 1989 Local Government Records Management Improvement Fund Act

This Law, signed by Governor Cuomo in May 1989, has enormous potential for transforming local government records management in New York State. The Law provides partial means for local governments to fulfill their records management responsibilities under the 1987 Local Government Records Law and for the Commissioner of Education (through the State Archives and Records Administration) to advise and assist them. It slightly increases recording charges on certain documents formally filed with County Clerks and with the Register of the City of New York. Proceeds from this surcharge are sent to a Local Government Records Management Improvement Fund, managed by the Commissioner of Education. Most of these funds are to be used for competitive grants to local governments for projects related to records management. A limited amount (up to $1.5 million per year) is available to support records management advisors located in regional offices, and for administration, including coordinating review of grant applications. The Local Government Records Advisory Council reviews the Education Department's plans for expenditures from the Fund and advises the Commissioner of Education on grant applications.

The Fund will probably generate $6 to $10 million annually, depending on the State's housing market, the extent of litigation, and other factors affecting the creation and filing of documents. Passage of this innovative law was widely supported by the New York State Local Government Records Advisory Council, the New York Association of Local

Government Records Officers, the New York State Association of County Clerks, other associations of local government officials, and individual local governments.

The Law took effect on August 1, 1989 and includes a "sunset" provision for expiration on December 31, 1995. Both the 1987 and the 1989 Laws exclude New York City mayoral agencies. The City's Department of Records and Information Services is responsible for records management programs in those agencies. Furthermore, policy governing court records is under the authority of the New York State Office of Court Administration.

Provision of services under the 1987 Law, and implementation of the 1989 Law, are assigned to the Local Government Records Bureau, State Archives and Records Administration (SARA), in the State Education Department. There were few precedents to draw upon for organizing the Fund and its programs. While programs for regional advisory services exist in other states, they are not as well-equipped as the one now planned for New York. The local assistance program supported by the Fund is the largest of its kind in the country.

Implementation of the complex 1989 law has dominated the work of SARA's Local Government Records Bureau (LGRB) and has required close and continuing cooperation from the Local Government Records Advisory Council. The Council established a Committee on Implementation which worked with LGRB staff in developing policy documents and proposals for administration of the grants program, the establishment of regional offices and services, and other components of implementation. The full Council met several times to consider, review, and approve drafts of these documents. (A list of Council members appears at the end of this report.) Grant categories were established, review and approval procedures developed, job descriptions written, a staff recruitment plan developed and implemented, and regional offices secured, by the end of the period covered in this report.

REVENUE COLLECTION AND EXPENDITURE

Revenues for the Improvement Fund are collected in the daily course of business by County Clerks and the Register of the City of New York. In the 57 counties outside of New York City, these revenues derive from a surcharge of five dollars on recording fees and on sale of index numbers for cases pending in County and Supreme Courts. This surcharge is sent directly to the Education Department each month for deposit in the Fund. Revenue from recording fees collected by the Register of the City of New York is sent via the City Comptroller. Fees from court case index numbers sold by the County Clerks in the five boroughs of New York are submitted monthly via the Office of Court Administration. Of each five dollar surcharge, $4.75 is submitted to the Fund and the remainder is retained locally. Intake and tracking systems for this revenue were devised

by the Education Department's Bureau of Fiscal Management. Revenue collection commenced on August 1, 1989, and by December 31, 1989, approximately $3,888,400 had been collected.

Expenditures from the Fund are made under annual plans developed by the State Education Department, approved by the Local Government Records Advisory Council and the Division of the Budget, and included as part of the annual legislative appropriation. The Law provides that up to $1.5 million may be spent each year for administration, including provision of regional services. For the period August 1, 1989 through March 31, 1990, an expenditure plan calling for approximately $ 803,366 was approved. During the period August 1, 1989 - December 31, 1989, approximately $ 171,034 was actually spent, as follows:

Personnel:	$ 10,979
Travel:	$ 864
Supplies:	$ 11,392
Contractual Services:	$ 654
Equipment:	$147,145

Funds not expended in 1989-1990 will be carried over for use in 1990-1991.

REGIONAL ADVISORY SERVICES

The Law empowers the Commissioner to establish "a regional records office" in each judicial district in the state, except in New York City, where a consolidated office will serve four judicial districts. These regional offices are to be staffed by records professionals to provide advisory, consultative, and technical assistance to local governments in the districts they serve. Each office will have one professional and one support staff person, with the New York City office staffed by two professionals and one support person. A Unit head and one support person will coordinate the services from the LGRB office in Albany. Salaries of these staff people are to be sustained by the Fund.

Job descriptions were written and approved and a national search was undertaken to identify the best qualified people for these positions and for the administration of the Grant-in-Aid Program (discussed below). The positions were advertised nationally through professional archival and records management associations, schools of library and information science, associations of state and local government officials, other state archival and records management programs, the National Archives and Records Administration, and direct mailings to potential applicants. Particular emphasis was placed on reaching well-qualified applicants in protected classes. In all, more than 3,000 announcements were distributed. This recruitment effort resulted in 130 applications. An internal Education

Department screening committee helped identify the best qualified candidates in protected classes, and interviews were then held. By the time this report was prepared, personnel had been hired to direct the Regional Advisory Services Unit and the Grants Administration Unit, and to staff one of the regional offices. Interviews and hiring are under way for the remaining positions.

Working with the Office of General Services, the Education Department acquired space for the regional offices. The main factors in searching for space were proximity to transportation routes, low cost, and adequate size. Offices will be located in State-owned buildings or in leased space in local government facilities. Minor alterations had to be made to some offices. Telephone lines, equipment and furniture have been ordered. The offices and the regions they serve are as follows:

Region No.	Office Address	Counties Served
New York City [Judicial Districts 1, 2, 11, 12]	Fordham Plaza Fordham Road Bronx, NY 10451	New York, Kings, Richmond, Queens, Bronx
3	Cultural Education Center Empire State Plaza Albany, NY 12230	Albany, Columbia, Greene, Rensselaer, Schoharie, Sullivan, Ulster
4	Hawkins Hall SUNY Plattsburgh Plattsburgh, NY 12901	Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, St. Lawrence, Saratoga, Schenectady, Warren, Washington
5	Utica State Office Building 207 Genesee St. Utica, NY 13501	Herkimer, Jefferson, Lewis, Oneida, Onondaga, Oswego
6	Columbus School State Office Bldg. 164 Hawley St. Binghamton, NY 13902	Broome, Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga, Tompkins
7	Rush-Henrietta Central School Dist. Carlton Webster School Bldg. 2034 Lehigh Station Road Henrietta, NY 14467	Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne, Yates

8	Mahoney State Office Building 65 Court Street Buffalo, NY 14240	Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, Wyoming
9	NYS Dept. of Labor Community Service Center 35 Academy Street Poughkeepsie, NY 12601	Dutchess, Orange, Putnam, Rockland, Westchester
10	NYS Office Building Veterans Memorial Highway Hauppauge, NY 11788	Nassau, Suffolk

It is anticipated that all nine field offices will be operational by mid-1990. Field personnel will begin to provide technical assistance, conduct preliminary analysis of regional conditions and needs, respond to inquiries and provide advice and information upon request, encourage the development of cooperative records management efforts, and monitor grant-supported projects in their districts. Each regional officer will also serve as secretariat to a Regional Advisory Committee (RAC) in the district. The RAC, consisting of nine people from throughout the district, will include local government officials, information professionals, and interested citizens. The Commissioner of Education will appoint all RAC members. Each RAC will include a member of LGRAC and will help to set regional objectives, strategies and priorities and suggest modifications to services and products that SARA provides to local governments.

GRANTS PROGRAM

Much time and attention have been devoted to development of regulations, guidelines, and procedures for the grants program. Working closely with LGRAC's Implementation and Grants Committees, Local Government Records Bureau staff prepared regulations governing the grants program which were passed by the Board of Regents in January, 1990. These Regulations, Part 185.10, 8NYCRR, establish types of projects eligible for funding, criteria for grants applications, and allowable expenditures for funded projects.

There will be two application cycles each year, with a single funding cycle linked to the State's budgetary cycle and existing Departmental mechanisms for disbursing grant funding. To be eligible for a grant, a local government must have adopted the appropriate SARA records retention and disposition schedule and have designated a Records

Management Officer and that person must have attended (or indicate a commitment to attend) a SARA regional workshop on records management. These basic requirements can be met at no cost to local governments. For the first cycle of grants (application deadline February 16, 1990, for projects to begin after July 1, 1990), individual local governments may receive grants of up to $50,000; cooperative projects involving two or more local governments may receive up to $100,000. SARA and the Local Government Records Advisory Council decided that, for the first cycle, it would be best to concentrate on foundation-laying projects that would provide the basis for further development work. Five categories of projects were established for this first cycle:

Conducting records surveys and carrying out initial disposition of obsolete records.

Conducting needs assessments or self-studies and using the results to plan for a records management program.

Developing plans for establishing and/or operating programs for storing and managing inactive records, and, where appropriate, providing start-up funding.

Developing plans for establishing and/or operating local government archival programs, and, where appropriate, providing start-up funding.

Selectively microfilming records with important value in accordance with SARA microfilming standards.

All categories have sufficient latitude so that local governments at the novice stage of program development, and those strong programs already in place, may make meaningful application for funding. Cooperative projects will be given some preference where it is demonstrated that they would produce better results than projects carried out by individual governments. In addition, there is a special category for emergency grants of up to $10,000 for disaster recovery.

More than 8,500 preliminary mailings were sent out to local officials, including all of the RMO's in the State, notifying them of the availability of grants. More than 1,600 requested application forms and materials. These materials were designed to be simple, straightforward, and easy to use. LGRB staff responded to hundreds of questions and requests for advice from local officials as the first application deadline approached. By the application deadline, 384 applications requesting more than $14 million had been received.

Applications will be reviewed by mail by a Grants Committee of the Local Government Records Advisory Council and outside expert reviewers. The Committee and these reviewers will then assemble as a panel to discuss and evaluate the applications and to identify those recommended for funding. The full Council will then review this list and make final recommendations to the Commissioner of Education, who will make final

funding decisions. It is hoped that this multi-tiered review will provide for fair evaluation of the large number of applications expected to be submitted. SARA and the Council will evaluate both the grants categories and the review process after the first cycle to determine if either needs refinement or modification.

LOCAL GOVERNMENT RECORDS BUREAU SERVICES

While implementation of the new Law has taken much time and energy, those SARA programs supported by state funds maintained their track record of excellent service to New York's local governments. LGRB's series of technical leaflets -- short, easy-to-read, practical publications on records and information management topics -- grew in number from 28 to 37, with another dozen under development. More than 30,000 copies of these leaflets have been distributed during the past year, and more than 70,000 since the series was initiated in 1987. The leaflets are a cost-effective way to deliver necessary information to local officials.

The Bureau also has developed a series of workshops on a variety of records management topics for local officials. During the past year, 17 workshops were offered at sites throughout New York State and were attended by some 750 local officials. Topics included introduction to records management, records management from the viewpoint of local government decision makers and resource allocators, and introduction to micrographics. Additional workshops, on inactive records and records surveys, are being planned for this coming year. Some of these workshops will help support local governments' applications for grant-funded projects or the execution of those projects. Since the workshops began in 1988, more than 3,000 local officials have attended them and have consistently given them very positive evaluations.

The Bureau issued a new records retention and disposition schedule for use by county governments, to supersede one issued some years ago. The new schedule will facilitate and encourage continual disposition of obsolete records, saving local governments space and money. It will also encourage the identification and preservation of records with continuing value.

Finally, LGRB staff provided advice and assistance to local officials via telephone, meetings and conferences, and correspondence, amounting to some 40,000 such contacts this past year. These contacts took the form of detailed advisement to local officials about specific problems, as well as general informational contacts about specific Bureau programs or products.

The Bureau also served as secretariat to LGRAC and staffed its committees on implementation of the 1989 Law, on grants review, and on information technology. This information technology committee, which was established late in the period covered by this

report, will review the implications of the use of computers and other information technology by local governments. It will recommend services and guidelines that local governments need from the State to cope with developments in this rapidly changing field.

ACTIVITY IN LOCAL GOVERNMENTS

At this time, LGRB has neither the staff nor the means to systematically gather information on local government records management activities throughout the State. The information summarized below is based on feedback at workshops and conferences, contacts with local government associations and LGRAC, and phone calls, letters, and field visits. In the future, staff in the regional offices will assess regional conditions and needs, and will be able to furnish a much more detailed picture of developments and activity.

In 1989-1990, an increasing number of local governments took firm and positive steps to manage their records. Nearly 95 percent of the 3,848 local governments in New York have appointed their Records Management Officers. In each of these local governments, there is now an official with clearly designated responsibility for developing a records management program. These RMO's, and other local officials, have demonstrated their interest in records and information management by contacting LGRB for information and publications and by attending workshops. Increasingly, they joined local chapters of the Association of Records Managers and Administrators and the New York Association of Local Government Records Officers, whose June, 1989, conference was attended by some 250 local officials from all types of local governments. All of this evidence adds to the impression that interest in, and support for, local government records management is clearly on the upswing.

At the local level, a number of counties established records management positions, among them Washington, Warren, Tioga, Chemung, Schoharie, Oneida, Erie and Greene. In other counties, County Clerks asserted a leadership role in appointing records advisory committees or hiring consultants. Wayne County hired a consultant to prepare planning documents for a records program. Other counties, such as Ontario, Westchester, Albany, Ulster, Dutchess and Broome, with strong programs under way, continued to develop and enhance their efforts. Dutchess County opened its records center in the summer of 1989, and Broome County is preparing a center. Erie County established a County Records Commission and has a records center under construction. Westchester County added a new archival facility to its already impressive records center. Among New York's local governments, counties appear to be in the vanguard in effective new programs.

A number of cities also showed interest in records management program expansion. For instance, the City of Jamestown developed a records management program under the City Clerk. The City of Oneonta developed plans to copy and preserve its maps and engineering drawings. Town programs increased modestly in numbers. Amherst,

Lancaster, and several other towns built and equipped new records storage areas, or began to automate their records management systems. Town Clerks and Town Supervisors grew increasingly interested in records management. Contacts between those groups and the Bureau increased and the Town Clerks requested that LGRB offer its day-long workshop on introduction to records management at the Association of Towns' February 1990 conference.

School districts and BOCES are also increasingly involved in systematic records management efforts and have sent growing numbers of officials to LGRB workshops. In large districts, such as Yonkers, substantial local funds were committed to acquiring micrographics equipment, and numerous school districts have shown interest in this and other image management technologies. School districts have placed heavy emphasis on the employment of SARA's records retention and disposition schedules to eliminate obsolete records systematically.

RECOMMENDATIONS

The following recommendations are offered for consideration by the Governor and the Legislature:

The 1989 Records Management Improvement Law needs two amendments. First, when the Law was passed last year, it was not apparent that the fringe benefits and indirect costs associated with personnel hired under the law would have to be paid by its revenues. The administrative "cap" should be raised from $1.5 million to $2 million, adjusted annually for inflation, to accommodate these costs and support the full regional advisory services originally envisioned by the Law. Second, County Clerks in the boroughs of New York City, and the Register of the City of New York, should be made eligible for grants under the Fund. These entities collect revenues for the funds and should be able to benefit from it. The State Education Department is advancing legislation to effect these changes.

State budget funds should be increased to adequately support State services that are not appropriate for the Fund. This includes activities, such as development and revision of records retention and disposition schedules, which the Commissioner of Education is required to issue under the 1987 Local Government Records Law.

State government needs to give more attention to the implications of the increased use of information technology by local governments. There is a pressing need for clearer State policy and better guidance from and coordinating between State agencies in the employment of information technology, shared data, and access to information. Gradually, with little fanfare but with vast implications for the future, computers, automated systems, and other technological advances are displacing

traditional paper-based records keeping systems. Information in electronic form is easy to create, modify, transmit, and destroy. In fact, with the touch of a button on a computer terminal, the equivalent of whole paper files can be erased forever. On the other hand, information technology, properly harnessed and regulated, has great potential for increased governmental efficiency, better public services, improved access by the public, and preservation of information with continuing value. The set of issues pertaining to information technology is complex, shifting as technology changes. SARA needs additional State budget support to deal with this issue, an obligation specified under the 1987 Local Government Records Law.

CONCLUSION

During recent years, the issue of local government records management has, with good reason, found a more prominent place on the agenda of public concerns in our State. Records are essential by-products of governmental activity, and, in turn, are essential for the administrative continuity of government. Local officials devote much time to creating and using records. Records document the responsibilities of government and some of them safeguard the rights of citizens. Their management has implications for government efficiency, use of scarce tax dollars, and documentation of government activities.

New York's two recent records laws provide the basis for addressing this issue as our State moves toward the millennium. Our local governments, impelled by their own needs, rising interest on the part of administrators and local government associations, and by the new availability of State grants and expanded advisory services, are beginning to move toward coherent and forward-looking records management strategies. SARA, the Local Government Records Advisory Council, and local governments themselves, have joined in a progressive effort that is beginning to address the many problems inherent in the information age. New York's State and local records programs are frequently cited as models by other states and exemplify creative approaches, sustained cooperation, and an appropriate balance between State and local government responsibilities.

APPENDIX

MEMBERS OF THE NEW YORK STATE LOCAL GOVERNMENT RECORDS ADVISORY COUNCIL
February 1990

(Note: Some new appointments to the Council are pending.)

Andrew J. Spano
Chairperson
Clerk, Westchester County

Katherine Adams
Clerk, Village of Altamont

John Austin
Warren County Family Court

Mary Carr

Mahlon T. Clements
Clements and Ducharme

Richard F. Coates
Principal
Herbert Hoover Middle School

John S. DaVanzo
Clerk, Town of North Hempstead

David Golden
Schenendehowa Central School District

Avi Grossman
Staff Manager
Department Systems and Support
Metropolitan Life Insurance Company

J. Dwight Hadley
Assistant Deputy Comptroller
Division of Municipal Affairs
Office of the State Comptroller

Nan Hanna
Executive Director
New York State Supervisors' and Legislators' Association

William Kelly
Mayor, Village of Asharoken

Edward J. Malkeiwich
Records Manager,
Metropolitan Transit Authority

Patricia L. McCarthy
Clerk, Monroe County

Guy D. Paquin
Executive Vice-President
New York State
Land Title Association

David Pilliod
Director, Office for Local
Government Services
New York State
Department of State

Richard N. Ross
Director, Office of Programs and Planning
New York State Office of Court Administration

Randall V. Roth
Clerk, Ulster County Legislature

Zelda M. Uthe
Director, Association of Towns
of the State of New York